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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/577,110

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Wilhelmus Sebastianus Ketelaars

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

BEMBEN, RICHARD M

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

05/14/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/577,110	Applicant(s) KETELAARS ET AL.	
	Examiner RICHARD M. BEMBEN	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 6 and 7 have been considered but are moot in view of the new ground(s) of rejection.

2. While Applicant's arguments are moot due to the claim amendments filed 18 March 2009, the following point needs to be addressed:

a. Regarding US Patent No. 7,133,068 issued to Fisher, Applicant states on page 5 that "Fisher fails to disclose provide any teaching of monitoring the pictures taken to determine whether a desired overlap has been achieved".

However, Applicant subsequently acknowledges on page 6 that Fisher discloses that "a warning message is provided" to a user when a "calculated overlap would cause there to be a lack of coverage", i.e. a gap. Since Fisher teaches providing a warning when a gap is detected, Fisher explicitly discloses a teaching of monitoring the pictures taken to determine whether a desired overlap has been achieved.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,133,068 issued to Fisher et al, hereinafter "Fisher", in view of US Patent No. 6,233,004 issued to Tanaka et al., hereinafter "Tanaka".

Regarding **claim 1**, Fisher discloses a digital camera having a memory and an operational mode (*refer to c. 3, l. 14 – c. 4, l. 47 and Figures 1-3*) wherein: the camera takes a sequence of still pictures (*refer to c. 7, ll. 12-27 and Figure 7*); a next one of the pictures in the sequence is selected for being stored in the memory based on an amount of overlap regarding a picture content with a previous one of the pictures stored in the memory (*refer to c. 7, ll. 38-43 and c. 8, ll. 12-48*); and the camera processes the pictures stored in the memory so as to create a composite picture (*refer to c. 7, ll. 43-62 and c. 8, l. 3*) and determines whether said composite picture includes an area lacking coverage by the pictures stored in said memory (*refer to c. 8, ll. 33-38 and the discussion in **Response to Arguments***).

However, Fisher does not disclose that the digital camera performs one of; interpolating pixel data from edges of said area of said composite picture lacking coverage and providing directions of said camera to a position to cover said area lacking coverage.

Tanaka discloses a system wherein a camera takes a sequence of still pictures and creates a composite picture wherein the system performs interpolating pixel data from edges of said area of said composite picture lacking coverage (*refer to c. 17, l. 60 – c. 18, l. 4*).

It would have been obvious to one of ordinary skill in the art at the time of the invention to interpolate pixel data from the edges of said area of said composite picture lacking coverage, i.e. a gap in the sequence of images, as disclosed by Tanaka in the system disclosed by Fisher such that when a “lack of coverage” or gap is detected (*as disclosed by Fisher, see the discussion in **Response to Arguments***), the system can fill the gap and “an image smoothly changing in accordance with the movement of the viewpoint can be obtained” (*see Tanaka, c. 18, ll. 2-4*).

Regarding **claim 2**, refer to the rejection of claim 1 and Fisher further discloses a sensor for determining information representative of respective relative coordinates of the camera when taking respective ones of the pictures (*refer to c. 6, ll. 14-26, Figure 5, “motion sensor 516”, c. 7, l. 43 – c. 8, l. 11*).

Regarding **claim 3**, refer to the rejection of claim 2 and Fisher further discloses that the information is used for controlling the creating of the composite picture using a stitching algorithm (*refer to c. 7, ll. 28-62 and c. 8, ll. 49-59*).

Regarding **claim 4**, refer to the rejection of claim 2 and Fisher further discloses that the information is used to determine the next picture (*refer to c. 7, ll. 28-43*).

Regarding **claim 5**, refer to the rejection of claim 1 and Fisher further discloses a detector for detecting said area in the composite picture lacking coverage by the pictures stored in the memory (*refer to c. 8, ll. 33-38 and the discussion in **Response to Arguments***).

Regarding **claim 6**, refer to the rejection of claim 1 and Fisher further discloses an electronic apparatus with the camera having a memory and an operation mode (*refer to the rejection of claim 1 and c. 5, l. 58 - c. 6, l. 39 and Figure 5*).

Claims 7-11 are method claims corresponding to apparatus claims 1-5, respectively. Therefore, claims 7-11 are analyzed and rejected as previously discussed with respect to claims 1-5, respectively. Further, refer to Fisher c. 9, l. 4 - c. 10, l. 9 and Figure 8.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2622

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RICHARD M. BEMBEN whose telephone number is (571)272-7634. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David L. Ometz/
Supervisory Patent Examiner, Art
Unit 2622

RMB